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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 AUGME TECHNOLOGIES, INC.,

CASE NO. C 09-5386 JCS

12 v. Plaintiff,

STIPULATION AND [PROPOSED]
ORDER ENLARGING TIME FOR FACT
DISCOVERY REGARDING PRIOR ART
ADDED IN YAHOO!'S SECOND
SUPPLEMENT TO FIRST AMENDED
INVALIDITY CONTENTIONS

13 YAHOO! INC.,

14 v. Defendant.

15 **Judge: Hon. Magistrate Joseph C. Spero**

16 YAHOO! INC.,

17 v. Counterclaim Plaintiff,

18 AUGME TECHNOLOGIES, INC. and
19 WORLD TALK RADIO, LLC,

20 v. Counterclaim Defendants.

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1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, the parties, through their undersigned
 2 counsel, hereby stipulate, subject to the Court's approval, as follows:

3 WHEREAS, following the Further Case Management Conference held on January 6, 2012,
 4 the Court Ordered that the Discovery cutoff would be March 16, 2012;

5 WHEREAS, a portion of the Court's March 15, 2012 order enlarging fact discovery
 6 (Docket No. 243) stated that discovery deadlines would be modified as follows:

<u>Event</u>	<u>Date</u>
Discovery cutoff for the limited purpose of completing the depositions set forth below and any necessary follow-on discovery on the topics listed.	April 4, 2012
Opening Expert Reports on party with burden of proof	April 20, 2012
Expert Reports on party with no burden of proof	May 18, 2012
Expert Discovery Cutoff	June 7, 2012
File Dispositive Motions	June 8, 2012
Opposition to Dispositive Motion	June 22, 2012
Reply to Dispositive Motion	June 29, 2012

19 WHEREAS, the Court allowed Yahoo! to amend its Invalidity Contentions on April 5,
 20 2012 (Docket No. 262);

21 WHEREAS, the Court acknowledged that Yahoo! has agreed to reasonable discovery
 22 relating to the art added in Yahoo!'s Second Supplement to First Amended Invalidity Contentions
 23 (Docket No. 282);

24 WHEREAS, Augme asserts that it needs to take additional discovery for prior art added in
 25 Yahoo!'s Second Supplement to First Amended Invalidity Contentions;

26 WHEREAS, the parties have agreed to extend the close of fact discovery to allow Augme
 27 to take reasonable third party discovery (including the deposition of Mark Scheele) regarding the
 28 art added in Yahoo!'s Second Supplement to First Amended Invalidity Contentions to

1 June 29, 2012;

2 WHEREAS, the parties have agreed to extend the close of fact discovery to allow Augme
 3 to take reasonable discovery on Yahoo! regarding the art added in Yahoo!'s Second Supplement to
 4 Amended First Invalidity Contentions to June 20, 2012;

5 WHEREAS, Augme has been unable to schedule Mr. Scheele's deposition for before
 6 June 29, 2012;

7 WHEREAS, Yahoo! has agreed to respond to Augme's Sixth Set of Interrogatories to
 8 Yahoo!, Augme's Fourth Set of Requests for Production of Documents to Yahoo!, and Augme's
 9 Requests for Admission (Set Two) to Yahoo! by June 5, 2012;

10 WHEREAS, Yahoo! reserves the right to object to discovery that is unreasonable or not
 11 narrowly tailored;

12 WHEREAS, no other scheduled dates in this action will be changed due to this extension;

13 THEREFORE, based on the parties' agreement, the parties respectfully request that the
 14 Court enter an order:

- 15 • Extending time for Augme to conduct reasonable third party discovery regarding
 the art added in Yahoo!'s Second Supplement to First Amended Invalidity
 Contentions to June 29, 2012, for the sole purpose of allowing Augme to fully
 investigate this newly-added prior art; and
- 19 • Extending time for Augme to conduct reasonable discovery on Yahoo! regarding
 the art added in Yahoo!'s Second Supplement to First Amended Invalidity
 Contentions to June 20, 2012, for the sole purpose of allowing Augme to fully
 investigate this newly-added prior art.

23 Dated: May 23, 2012

24 Respectfully submitted,

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15 Defendant AUGME TECHNOLOGIES, INC.
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16 RADIO, LLC

Dated: May 23, 2012

Respectfully submitted,

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27 Attorneys for Defendant and Counterclaim
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2 [PROPOSED ORDER]
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4 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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6 Date: May 29, 2012
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1 **GENERAL ORDER 45 ATTESTATION**

2 I, Daniel W. Richards, am the ECF User whose ID and Password are being used to file this

3 **STIPULATION AND [PROPOSED] ORDER ENLARGING TIME FOR FACT
4 DISCOVERY**

5 In compliance with General Order 45, X.B., I hereby attest that Richard S.J. Hung has concurred
6 to its filing.

7 Dated: May 23, 2012

8 /s/ Daniel W. Richards

9 Daniel W. Richards

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